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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-193652

DATE: January 25, 1979

MATTER OF: Shiffer Corporation

**DIGEST:**

Protest filed with GAO more than 10 days after [notification of initial adverse agency action] (denial of protest to agency) is untimely and not for consideration.

Shiffer Corporation protests the award of a contract by the Defense Logistics Agency under solicitation No. DLA-004-78-B-0043.

Shiffer contends that it is the lowest responsive and responsible bidder. On September 19, 1978, Shiffer was informed by numerous telephone conversations with DLA that it had been found nonresponsive and nonresponsible.

Shiffer initially filed its protest against the negative determinations with DLA on September 19, 1978, at which time DLA proceeded to perform a pre-award survey on Shiffer. By letter dated October 2, 1978, DLA denied the protest. On December 8, 1978, Shiffer filed a subsequent protest with our Office.

Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), states in pertinent part:

"\* \* \* If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 [working] days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered \* \* \*."

Since the October 2 letter was the initial adverse agency action (denial of protest to agency) and Shiffer

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Decision

did not file its protest with our Office until December 8, more than 10 days after formal notification, the protest is untimely and not for consideration.

The protest is therefore dismissed.

A handwritten signature in cursive script that reads "Milton J. Socolar". The signature is written in dark ink and is positioned above the typed name and title.

Milton J. Socolar  
General Counsel